

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE
NO. 02-466, JUDGE JOHN RENKE, III

SC03-1846

MOTION FOR CONTINUANCE OF ORDER TO SHOW CAUSE
HEARING SCHEDULED FOR APRIL 8, 2005

COMES NOW, the Honorable John Renke, III, by and through his undersigned counsel, and respectfully requests the Investigative Panel of the Florida Judicial Qualifications Commission to continue the Order to Show Cause hearing presently scheduled for April 8, 2005. The continuance is necessary to afford the judge adequate time to discover the evidentiary basis for suspension and to gather witnesses and documents from a series of 1995 to 2002 legal cases to refute the campaign financing allegations. In support, the judge sets forth the following information.

1. On October 22, 2003, the Florida Judicial Qualifications Commission (“JQC”) filed eight formal charges against Judge Renke. Importantly, the formal charges did not allege improper loans or contributions to Judge Renke’s campaign. In fact, despite questions regarding campaign financing at the original Rule 6(b) hearing on April 11, 2003, the Hearing Panel did not find probable cause for any such charge.

2. On February 16, 2005, the JQC filed a Motion for Leave to File Amended Formal Charges. In addition to the original formal charges, the amended formal charges added two counts: charge (9) alleging inappropriate campaign contributions by John Renke, II, or his law office, and charge (10) alleging a pattern and practice of misrepresentation. The amended formal charges also reworded charge (8) to include reference to alleged violations of other judicial ethical canons.

3. On March 4, 2005, Judge Renke's counsel filed a Response to the Florida JQC's Motion for Leave to File Amended Formal Charges and requested oral argument. The JQC's Motion for Leave to File Amended Formal Charges has not yet been decided.

4. The April 8, 2005 Order to Show Cause hearing was filed on February 24, 2005, less than one week after the JQC requested leave to file amended formal charges. At no point in time prior to February 24, 2005 did the JQC determine a show cause hearing was desirable or appropriate pursuant to the formal charges that existed unchanged from October of 2003. While the Order to Show Cause does not specify whether the proposed formal charges are the basis for the Order to Show Cause hearing, the judge must assume that the basis for the Order to Show Cause is the campaign

finance allegation. However, at this time, the Hearing Panel has not even determined whether or not it will accept the new charges.

5. Since the campaign financing issue is a new allegation, for which the judge has not yet had an opportunity to defend himself, the judge needs time to discover the basis of the JQC's suspicions and gather evidence to refute this allegation. The discovery previously provided by the JQC does not pertain to any campaign financing issue. On December 20, 2004, Judge Renke's counsel requested 12(b) materials and also submitted interrogatories to the JQC. In response to these discovery requests, the JQC did not identify any witness or document that would support the allegation that an improper loan was made to the judge's campaign. Because the improper campaign contribution allegation is significantly different from the original formal charges, it is prejudicial to deny the judge adequate time to discover the basis for the Investigative Panel's request for suspension.

6. The Notice of Amended Formal Charges alleges that the judge did not work on a series of legal cases from 1995 to 2002 for which he was compensated. Extensive documentary production, perhaps by subpoena, is necessary to disprove this allegation. The records pertaining to these cases are voluminous and additional time is needed to reconstruct the judge's seven year work history. Numerous witnesses who can attest to the judge's

work product must be contacted and their availability confirmed. Further, additional time is needed to examine the accuracy and reliability of any evidence, including documentation or testimony of witnesses, upon which the JQC will rely as a basis for suspension. Without adequate identification of the JQC's evidence and without sufficient time to prepare documentary evidence and arrange for witness testimony, the judge will not be able to be heard in a meaningful manner at the Order to Show Cause hearing.

WHEREFORE, and by reason of the foregoing, the Honorable John Renke, III, respectfully requests a continuance to discover the grounds that warrant consideration of suspension, and to review and compile documentary evidence and compel testimony on his behalf in order to meaningfully respond at the Order to Show Cause hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of March, 2005, the original of the foregoing Motion for Continuance of Order to Show Cause Hearing Scheduled for April 8, 2005 has been furnished by Federal Express overnight delivery to:

Honorable Thomas D. Hall
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